

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Benjamin Shelton	Team: Squad #6	CCRB Case #: 201807490	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 08/26/2018 4:30 AM	Location of Incident: § 87(2)(b)	Precinct: 103	18 Mo. SOL 2/26/2020	EO SOL 2/26/2020	
Date/Time CV Reported Thu, 08/30/2018 11:26 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 09/11/2018 11:14 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Domenick Lagomarsine	13783	943457	103 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Michael Buckleman	29745	936255	103 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Domenick Lagomarsine	Discourtesy: Police Officer Domenick Lagomarsine spoke discourteously to § 87(2)(b)	§ 87(2)(b)
B.POM Domenick Lagomarsine	Discourtesy: Police Officer Domenick Lagomarsine spoke discourteously to § 87(2)(b)	§ 87(2)(b)

## Case Summary

On August 30, 2018, § 87(2)(b) filed the following complaint with IAB, as reflected in original log #2018-34105. On September 11, 2018, this complaint was referred to the CCRB.

§ 87(2)(f), § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) She was with her husband, § 87(2)(b) who resided at that address. PO Domenick Lagomarsine and PO Michael Buckleman of the 103<sup>rd</sup> Precinct responded to the location. After § 87(2)(b) complained to officers about their response time, PO Lagomarsine told him “I’m not late. I know exactly what time you fucking called 911” (**Allegation A: Discourtesy**, § 87(2)(g) § 87(2)(b) explained to the officers what happened § 87(2)(f) § 87(2)(b). He returned it to her at some point. When she was explaining and she showed officers a photograph of her ex-boyfriend on her phone, PO Lagomarsine asked, “What the fuck are you talking about?” and “What the fuck is going on?” (**Allegation B: Discourtesy**, § 87(2)(g) § 87(2)(f) § 87(2)(b). Officers then left the scene.

No summons or arrests were made during the incident.

There was no video footage available for this case.

## Findings and Recommendations

### **Allegation A – Discourtesy: Police Officer Domenick Lagomarsine spoke discourteously to**

§ 87(2)(b)

On August 26, 2018, at approximately 4:30 a.m., § 87(2)(b) stated that PO Domenick Lagomarsine and PO Michael Buckleman arrived at § 87(2)(b) § 87(2)(b) approximately 45 minutes after she called 911 (BR 01-02). In her verified statement, she explained that her husband, § 87(2)(b) § 87(2)(b) who was with her directly before, during, and after the incident, complained to the officers about their response time. PO Lagomarsine told him that he could tell § 87(2)(b) and § 87(2)(b) exactly what time they called 911. She did not state that he used any profanities. In her phone statement, she stated this discussion occurred between PO Lagomarsine and herself, not § 87(2)(b) § 87(2)(b) stated that, when officers arrived, both he and § 87(2)(b) complained to officers about their response time (BR 03). Both § 87(2)(b) and § 87(2)(b) stated that officers took at least 45 minutes to arrive after § 87(2)(b) called 911. In response to their complaint, PO Lagomarsine told both § 87(2)(b) and § 87(2)(b) “I’m not late. I know exactly what time you fucking called 911.” § 87(2)(b) was uncooperative with the investigation.

PO Lagomarsine recalled no complaints from either § 87(2)(b) nor § 87(2)(b) regarding officers’ response time and stated he did not recall telling either of them, “I’m not late. I know exactly what time you fucking called 911” (BR 04-05).

PO Buckleman stated that neither § 87(2)(b) nor § 87(2)(b) complained about officers’ response time (BR 06). PO Lagomarsine never told either of them that, “I’m not late. I know exactly what time you called 911.”

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation B – Discourtesy: Police Officer Domenick Lagomarsine spoke discourteously to**

§ 87(2)(b)

§ 87(2)(b), § 87(2)(f)

At some point, the taxi cab driver made § 87(2)(b)'s ex-boyfriend return her cellphone before ordering him out of the cab. Following her explanation to officers of what happened between her ex-boyfriend and herself in the taxi cab, PO Lagomarsine documented the incident and asked to see a photograph of her ex-boyfriend. § 87(2)(b) used her cellphone to display a photograph of him. PO Lagomarsine did not understand that § 87(2)(b) had regained possession of her phone during § 87(2)(f) and asked her, "What the fuck is going on?" The context of the obscenity was consistent in both § 87(2)(b)'s phone statement and verified statement.

§ 87(2)(b) stated that when § 87(2)(b) was explaining the different locations at which she was assaulted, PO Lagomarsine asked her, "What the fuck are you talking about?" Throughout the interaction, § 87(2)(b) stood within close proximity of § 87(2)(b) and both officers.

PO Lagomarsine never asked § 87(2)(b) "What the fuck are you talking about?" during her explanation of the assault. PO Lagomarsine did not recall any confusion over who had possession of § 87(2)(b)'s phone before or after the incident. He only remembered the phone being relevant when, after asking if she had any photographs of her ex-boyfriend, § 87(2)(b) showed a photograph of her ex-boyfriend on her cellphone. He did not ask her, "What the fuck is going on?," when she took out her cellphone. He stated that he did not use the word "fuck" or any other obscenities during the incident.

PO Buckleman stated that he remained nearby PO Lagomarsine throughout the entire interaction with § 87(2)(b). While PO Buckleman recalled some confusion regarding the specific location of the assault on § 87(2)(b)'s part, PO Lagomarsine never stated, "What the fuck are you talking about?" PO Buckleman recalled that § 87(2)(b) held her phone during the interaction, but he did not recall her ever using it to show photographs to the officers. He did not recall PO Lagomarsine ever telling § 87(2)(b) "What the fuck is going on? You just told me you don't have your phone." PO Buckleman stated that PO Lagomarsine never used any obscenities during his interaction with § 87(2)(b). Both officers remained calm and normal.

§ 87(2)(g)

§ 87(2)(g)

### Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 07).
- PO Lagomarsine has been a member of service for 11 years and has been a subject in 13 previous CCRB complaints (see officer history). He had one allegation of a stop substantiated in case #201505901, where the board recommendation disposition was Formalized Training. He had two allegations of a vehicle search and a frisk substantiated in case #201606477, where the board recommendation disposition was Formalized Training for both. § 87(2)(g)

### Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of November 14, 2018, the New York City Office of the Comptroller had received no Notices of Claim regarding this incident.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

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Squad No.: 6

Investigator:	_____	Inv. Benjamin Shelton	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	IM Jessica Peña	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date